

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ST LIBERTY, LLC as subrogee of ROBERT
E. DERECKTOR, INC.

Plaintiff,

vs.

M/Y SHAITAN, USCG Official Number 604110,
her engines, freights, apparel, appurtenances tackle,
etc. *in rem*.

Defendant.
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IN ADMIRALTY

Case No.: 7:21-cv-6561

~~PROPOSED~~ DEFAULT
JUDGMENT

This action having been commenced on August 3, 2021, by the filing of the Verified Complaint, and a copy of the Verified Complaint having been served on the Defendant Vessel, M/Y SHAITAN, USCG Official Number 604110, her engines, freights, apparel, appurtenances, tackle, etc *in rem* via arrest by the U.S. Marshal, on the person believed to be the current owner of the Vessel via mail, and via publication in the Journal News with proof of service having been filed on September 27, 2021 and on March 31, 2022 (Doc. 30-2), and no party or other person ~~the Defendant not~~ having answered or filed a verified statement of right or interest, motion, or other pleading asserting a right or possession of any ownership interest in the Vessel to date and the time for Defendant to answer and for any person to file a verified statement of right or interest has expired, it is

ORDERED, ADJUDGED, AND DECREED: That the plaintiff have judgment against ~~filing of the Verified Complaint, and a copy of the Verified Complaint having been served on the~~ Defendant Vessel, M/Y SHAITAN, USCG Official Number 604110, her engines, freights, apparel, appurtenances, tackle, etc *in rem* ~~and that a judgment of the Court be granted in Plaintiff's favor~~ in the amount of USD ~~55,345.84~~ \$58,256.58; and it is further

ORDERED that the Vessel M/Y SHAITAN, USCG Official Number 604110, her engines, freights, apparel, appurtenances, tackle, etc be sold as is where is by the U.S. Marshal for the

Southern District of New York on at least one calendar week's notice to the highest and best bidder, said sale to be subject to the confirmation of the Court, and it is hereby further

ORDERED that Plaintiff may engage a broker to promote the Vessel sale, which broker shall be entitled to a commission equal to two (2%) percent of the confirmed sale price. Broker shall use its best efforts to advertise, market, and promote the sale. The Broker shall consult with the Marshals Service and with counsel for the Plaintiff with regard to any proposed advertising in trade publications or similar. The cost of any such advertising shall be an *in custodia legis* expense; and it is further

ORDERED that the earnest money deposit, if a bank check, shall be paid to the United States Marshals Service at the time the high bid is accepted. If the earnest money deposit for the high bid is in an attorney's trust account, the attorney shall transfer same to the Marshals Service as soon as possible, but no later than 4:45 pm Eastern Standard Time on the first business day following the Vessel sale. When received, the United States Marshals Service shall deposit the earnest money into the registry of the Court; and it is further

ORDERED that the remaining balance of the purchase price shall be paid to the United States Marshals Service by cash, bank check, or wire transfer on or before the 4:45 p.m. on the first business day following the Vessel sale, and the United States Marshals Service shall deposit the balance of the purchase price into the registry of the Court; and it is further

ORDERED that after the sale the United States Marshals Service shall forthwith file a return with the Clerk of the Court; and it is further

ORDERED that any party or interested person may object to the sale on or before the second business day following the Vessel Sale by (a) filing a written objection with the Court, by (b) serving a copy of the objection upon counsel for all parties in this action, upon the successful

bidder, and upon the Marshals Service, and by (c) paying the Marshals Service an amount determined by the Marshals Service as sufficient to pay the expenses of keeping the Vessel for at least 14 days; and it is further

ORDERED that the proceeds of the Sale of the Vessel shall be used to satisfy the default judgment granted herein with any funds collected above the default judgment deposited into the registry of the Court.

DONE AND ORDERED this 14th day of April 2022.



Philip M. Halpern
United States District Judge